

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 919 of 2016

- Dr. Vivek Joshi S/o Shri G.P.Joshi, Aged About 57 Years Working As Assistant Professor Cum Incharge Civil Surgeon At Govt. Medical College, Maharani Hospital, Jagdalpur, P.S. Jagdalpur, District Bastar, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Director Medical Education, Raipur, P.S. Raipur, District Raipur, Chhattisgarh
3. Director, Health Services, Sanchanalaya, Raipur, P.S. Raipur, District Raipur, Chhattisgarh
4. Joint Director Cum Superintendent Govt. Medical College, Maharani Hospital, Jagdalpur, P.S. Jagdalpur, District Bastar, Chhattisgarh
5. Medical Council Of India, Through Secretary, Pocket 14 Sector 8 Dwarika, Phase 1, New Delhi

---- Respondents

For Petitioner : Mr. C. Jayant K. Rao, Advocate
For Respondent : Mr. D.R. Minj, Dy. Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/12/2016

Heard.

1. This is an application for recalling of order dated 25.10.2016 passed in WPS No. 3441/2016.
2. Learned counsel for the applicant submits that the time when the petition was withdrawn by the petitioner it was not within the notice of the petitioner that despite recommendation made in favour of the petitioner for cancellation of transfer order, the relieving order has been issued on 03.10.2016. As despite recommendation for cancellation by the Government, the Joint Director cum Superintendent of the Hospital issued relieving order, the petitioner intends to challenge the same.

3. It appears that the petitioner withdrew the petition unconditionally for the reason that recommendation has been made for cancellation of the transfer order by the Committee considering his representation vide order dated 22.09.2016. However, thereafter, on 03.10.2016 the petitioner has been relieved by the Joint Director cum Superintendent, this is entirely for the Government to consider. The State Government may issue necessary direction to the Joint Director cum Superintendent with regard to petitioner's transfer and the Joint Director shall also take decision in the light of recommendation made by the Committee.
4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra